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Draft rules of procedure of the Assembly of the International Seabed Authority

Note by the Secretariat

1. Under resolution I, paragraph 11, the Preparatory Commission was requested to prepare a final report on all matters within its mandate. In accordance with paragraph 44 of the Statement by the Chairman of the Preparatory Commission on the work of the Commission at its last session (LOS/PCN/L.115/Rev.1), the Commission decided to consider as its final report the provisional final report, which had been approved at one of the preceding sessions. The provisional final report contains the draft rules of procedure of the Assembly of the International Seabed Authority, prepared by the Preparatory Commission in pursuance of its mandate. The draft rules have been included in a consolidated document also containing the draft rules of procedure of the other subsidiary organs of the Authority (LOS/PCN/WP.52/Add.3).

2. It should be noted, however, that certain provisions of the draft rules of the Assembly are not consistent with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, which was adopted by the General Assembly on 28 July 1994, and therefore those provisions should be modified.

3. It should also be kept in mind that the Preparatory Commission failed to agree on several provisions of the draft rules of procedure of the Assembly relating to financial and budgetary matters, decision-making, elections, observers and subsidiary organs. Those rules can now be finalized taking into account the relevant provisions of the 1994 Agreement.

4. In the light of the foregoing, a number of draft rules will have to be revised or finalized before the Assembly can approve its rules of procedure. These include rules 40 (Duties of the Secretary-General), 41 (Duties of the Secretariat), 71 (Decisions on questions of substance), 72 (Decisions on amendments to proposals relating to questions of substance), 86 (Establishment), 90 (Membership), 91 (Suspension of the exercise of voting rights), 92 (Suspension of the exercise of rights and privileges of membership), 93 (Observers), 94 (Nominations), 95 (Order of elections), 96 (Terms of office), 100 (Elections), 101 (Terms of office), 102 (By-elections), 103 (The Director-General of the Enterprise), 104 (Proposed annual budget), 106 (Contributions) and 107 (Method of amendment). It would be necessary also to include a new rule on the election of members of the Finance Committee.